



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

December 10, 2015

9:00 AM

District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL REVISED 12/09/2015 5:10 PM

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
 - December Employee of the Month: Melissa Snow, IT Analyst Specialist, Technology Planning Services
 - December Team of the Month: Stormwater Treatment Area 1 West Expansion #1 Design and Permit Acquisition Team
 - 25 Year Service Award: Mark Elsner, Section Administrator, Water Supply
4. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Project & Lands Committee Report - Clarke Harlow, Chair
7. Approval of the Minutes for the November 9, 2015 Governing Board Budget Workshop & Regular Business Meeting, held in West Palm Beach

Consent Agenda

8. Public Comment on Consent Agenda

9. Move Consent Agenda Items to Discussion Agenda
10. Board Comment on Consent Agenda
11. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes

12. Regulatory Consent Items

- **Consent Orders**

- Settlement for penalties and staff cost of \$5,100 of an enforcement action against the Osceola County Expressway Authority due to lack of effective measures to maintain turbidity controls associated with construction of Poinciana Parkway Segment 4, which resulted in unauthorized discharge of turbid water from the project site into adjacent off-site wetlands. Osceola County Expressway Authority; Poinciana Parkway Segment 4 (Osceola County).
- Settlement for penalties and staff cost of \$4,100 of an enforcement action against the Florida Department of Transportation due to lack of effective measures to maintain turbidity controls associated with construction of the SR 710 Widening project in Palm Beach County, which resulted in unauthorized discharge of turbid water from the project site into adjacent off-site wetlands. Florida Department of Transportation; SR 710 Widening from Martin County Line to P and W Entrance (Palm Beach County).

13. Right of Way Regulatory Consent

Right of Way Occupancy Permit Request and Waiver of District Criteria

Staff recommends approval of a request by Project USA, LLC (Application Number 15-1102-2) for issuance of Right of Way Occupancy Permit Number 14529 for the construction of a 12-slip marina project within the west right of way of C-10 located immediately north of Stirling Road, with waivers to allow for the installation of a gate, security lights and palm trees within 40 feet of top of bank, and to allow vessels and mooring piles to encroach more than 25% into the canal. Location: Broward County, Section 33, Township 50 South, Range 42 East.

14. **Resolution No. 2015 - 1201** Approve release of canal, road and mineral reservations, and issuance of a non-use commitment; providing an effective date. (Real Estate staff contact, Kathy Massey, ext. 6835)

Summary:

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation:

Approval of the following:

- Release of canal reservations for City of Boca Raton, 0.16 acre in Palm Beach County (File No. 18662)
- Release of canal, road and mineral reservations for 13001 Miranda Street, LLC, 0.38 acres in Miami-Dade County (File No. 18661)
- Release of canal and road reservations, and issuance of non-use commitment for American Legion Post 223, Inc., 0.09 acre in Broward County (File No. 18660 and NUC 1682)

15. **Resolution No. 2015 - 1202** Approve the release of right of way interests containing 0.10 acre, more or less, to the Applicants at appraised value; being a portion of the Hillsboro Canal right of way, lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, Plat Book 6, page 11, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, subject to satisfaction of certain terms, conditions and requirements. (Real Estate staff contact, Kathy Massey, ext. 6835)

Summary:

The Applicants have requested a release of 0.10 acre, more or less, of the Hillsboro Canal right of way lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, recorded in Plat Book 6, page 11, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, for residential purposes. The landowner has constructed an outdoor kitchen in the right of way area and this release will resolve that encroachment. See location map attached as Exhibit "A".

The release will be subject to the District's satisfaction of the Applicants' completion of the terms, conditions and requirements (item 1-6 of the Resolution), and at the Applicants' sole cost and expense.

16. **Resolution No. 2015 - 1203** Approve the release of a portion of the C-4 (Tamiami) Canal Right of Way containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County, in exchange for a temporary use right and a permanent access easements (Real Estate staff contact, Kathy Massey, ext. 6835)

Summary:

The Florida Department of Transportation (FDOT) is implementing its State Road 985 (S.W. 107th Avenue) widening project, which includes widening, drainage improvements and a new bridge crossing the District's C-4 (Tamiami) canal. FDOT is requesting release of a portion of the C-4 right of way within two lots owned by FDOT, containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County. District staff has reviewed FDOT's request and has determined that partial release of the right of way will have no impact on present or future use by the District.

In exchange, FDOT will consent to the District's use of an FDOT owned lot adjacent to the C-4 right of way for staging and access during construction of the District's C-4 Flood Berm project. FDOT will also grant the District an access easement over said adjacent lot for perpetual access to the C-4 right of way (see attached Exhibit "A").

17. **Resolution No. 2015 - 1204** Approve the release of Easement interests containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation at no cost. (Real Estate staff contact, Marcy Zehnder, ext. 6694)

Summary:

The Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a release of the District's interest in an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County. District staff has reviewed FDOT's request and determined that releasing the Easement parcel will have no impact on present or future use by the District. See location map attached as Exhibit "A".

18. **Resolution No. 2015 - 1205** Approve the subordination of Easement interests containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation. (Real Estate staff contact, Marcy Zehnder, ext. 6694)

Summary:

The Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a subordination of the District's interest in an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County, and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County. District staff has reviewed FDOT's request and determined that subordinating the District's interest in the Easement parcels will have no impact on present or future use by the District.

19. **Resolution No. 2015 - 1206** Approve the issuance of a Quitclaim Deed to clear any interest the District may have in Lots 8 and 9, J. C. AND J. S. ENGLISH SUBDIVISION, PB 1-21, located in Section 21, Township 43 South, Range 27 East, Lee County (Real Estate staff contact, Kathy Massy, ext. 6835)

Summary:

The District received a Quitclaim Deed from Lee County in May 1962, which conveyed lands needed for the expansion of the C-43 (Caloosahatchee) canal. Said deed contained an erroneous legal description that clouded the title to lots located within the plat of J.C. AND J. S. ENGLISH SUBDIVISION, recorded in Plat Book 1, page 21, Lee County public records. The current owners of two lots within said subdivision, Rusty Luce and Kelly Luce, have requested a Quitclaim Deed from the District to clear the title cloud from their property. District staff researched this title issue and concur that the conveyance from Lee County did cloud the title to the adjacent subdivision lots. The Quitclaim Deed to be issued by the District will not include any portion of the C-43 canal right of way. See location map attached as Exhibit "A".

20. **Resolution No. 2015 - 1207** Approve an Agreement with the City of Weston and Indian Trace Development District for the donation of land interests in Broward County for the Broward County Water Preserve Areas Project (Real Estate staff contact, Richard Bassell, ext. 2510)

Summary:

Re: Approve Agreement with the City of Weston for Donation of 309.51 Acres of Land Interests in the Broward County Water Preserve Areas Project

The Broward County Water Preserve Areas Project (“Project”) includes certain land interests owned by the City of Weston and Indian Trace Development District (collectively the “City”) within the C-11 Impoundment Area of the Project (see Exhibit “A”). The District, as local sponsor, is responsible for acquiring all the land within the boundaries of the Project and certifying the lands to the U. S. Army Corps of Engineers (the “Corps”) for Project purposes. The District and the City have entered into an Agreement whereby the City has agreed to donate all of its fee simple and easement interests, totaling 309.51+/- acres, located within the Project boundary (the “Property”) to the District. The City has also agreed to formally vacate two (2) public road right of ways located within the Property. The District will provide alternative access to the abutting landowners currently using said roads for access and relocation of utilities located within the property, to the extent required by law.

21. **Resolution No. 2015 - 1208** Approve the purchase of land interests containing 5.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$40,000, plus associated costs, restoration costs and long term land management costs in the cumulative amount of \$10,133.85, for which dedicated funds (Lake Belt Mitigation Fund) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition. (Real Estate staff contact, Marcy Zehnder, ext. 6694)

Summary:

Tract No. W9307-022, owned by David Feldman, personal representative of the Estate of Jerome Feldman, deceased, and Judith Halprin, comprises a total of 5.0 acres located within the District’s Pennsuco Wetlands Project. The purchase price for Tract No. W9307-022 is \$40,000, together with associated costs, restoration costs and land management costs in the cumulative amount of \$10,133.85. The Pennsuco wetlands are approximately 13,000 acres of wetland prairie located adjacent to the east perimeter of Water Conservation Area (WCA) 3B in northwestern Miami-Dade County. The Pennsuco area is bordered to the west and north by Krome Avenue, to the south by Tamiami Trail and the east by the Dade-Broward Levee.

22. **Resolution No. 2015 - 1209** Designate approximately 2,700 acres in Martin and Okeechobee Counties, commonly referred to as the Lakeside Ranch Stormwater Treatment Area, as a “Stormwater Treatment Area”, as defined in Public Use Rule 40E-7.521(27), Florida Administrative Code, for the purpose of managing public recreation. (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

Summary:

The District manages and operates 2,700 acres of created wetlands in Martin and Okeechobee Counties as the Lakeside Ranch Stormwater Treatment Area. The property is currently classified as “Vacant Undesignated Lands”. The formal designation of this property as a “Stormwater Treatment Area”, in accordance with Public Use Rule 40E-7.521(27), Florida Administrative Code, will provide a regulatory framework for managing and enhancing recreational use on the property consistent

with the need to provide resource protection measures necessary for the successful operation of the property as a stormwater treatment area.

The "Stormwater Treatment Area" designation will allow the District to utilize public use rules on Lakeside Ranch that were adopted specifically for managing public recreation on stormwater treatment areas as described in Public Use Rule 40E-7, Florida Administrative Code. These rules include establishing public access points and allowing for the management and enhancement of recreation while still providing necessary resource protection measures.

23. **Resolution No. 2015 - 1210** Authorize Contract 4600003338 with the Florida Department of Corrections to provide inmate labor and support to the West Palm Beach Field Station, as well as general services at the Field Operation Center and Headquarters for three (3) years with an option for one three year renewal, in an amount not to exceed \$352,176.00 of which \$64,691.00 is budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 - FY21 budgets. (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

Summary

This request is to authorize entering into a three (3) year contract with an option for one three year renewal with the Florida Department of Corrections (FDOC) to provide inmate labor and support to West Palm Beach Field Station and the General Services Section area of responsibility, in an amount not to exceed \$352,176. The FDOC shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as mowing, cleaning, painting, etc. at various District facilities. The Contract provides for one (1) Work Squad with up to five (5) inmates.

24. **Resolution No. 2015 - 1211** Authorize Contract 4600003337 with the Florida Department of Corrections to provide inmate labor and support to the Homestead Field Station area of responsibility for three (3) years with an option for a one additional three year renewal, in an amount not to exceed \$352,607.00 of which \$65,122.00 is budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 – FY21 budgets. (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

Summary

This request is to authorize entering into a three (3) year contract with an option for one additional three year renewal period with the Florida Department of Corrections (FDOC) to provide inmate labor and support to Homestead Field Station area of responsibility, in an amount not to exceed \$352,607. The FDOC shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as mowing, cleaning, painting, etc. at various District facilities. The Contract provides for one (1) Work Squad with up to five (5) inmates.

25. **Resolution No. 2015 - 1212** Authorize the Executive Director or his designee to send a letter to the Gladeview Water Control District expressing the intent to pay Gladeview's yearly costs associated with managing water from the STA1W Expansion #1 project, subject to the limitations of applicable Florida law and subject to the availability of future fiscal year funding, including Governing Board approval of future fiscal years budgets. (Contract number 4600003356) (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

Summary

The footprint of the approximately 4,600-acre STA 1W Expansion #1 is located within the Gladeview Water Control District, which manages the water for approximately 11,137 acres of land. Their system is composed of lateral canals that discharge into a central canal (Gladeview Canal), which flows north into the L-13 Canal by operation of the Gladeview District Pump Station. Modeling during the design effort for STA 1W Expansion #1 revealed the pre-construction average pump flow volume attributed to the site is 12,430 ac-ft/yr. from stormwater runoff. Upon completion, the STA 1W Expansion #1 would capture this stormwater runoff onsite, but by maintaining a high water level within the STA, the Gladeview Canal would receive a comparable amount of seepage water. Based on this modeling, the Gladeview Water Control District is expected to continue servicing the STA 1W Expansion #1 land with a similar level of cost, both pre- and post-construction. Construction of a separate seepage canal within the project footprint along the west perimeter was considered but is not being pursued based on the following factors: 1) Construction of the canal and an additional seepage pump station would cost an estimated \$20 million; 2) Construction of the seepage canal would remove effective treatment areas that would otherwise be used to help meet the Restoration Strategies WQBEL; and 3) The existing Gladeview Canal already has the required features to effectively serve as a seepage canal for the STA 1W Expansion #1 project.

- 26. Board Vote on Consent Agenda
- 27. Board Comment

Discussion Agenda

- 28. Technical Reports
 - A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)
 - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
 - C) Project Spotlight - L-40 Levee Certification to FEMA - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)
- 29. 2016 Upper East Coast Water Supply Plan Update Status, (Water Resources staff contact, Mark Elsner, ext. 6156)

Summary

This presentation will provide an overview of the Draft 2016 Upper East Coast (UEC) Water Supply Plan Update. Regional water supply plans are required to be updated at least every five years pursuant Chapter 373, Florida Statutes (F.S.). The purpose of the water supply plan is to identify sustainable water supply for all water uses while protecting water resources and related natural systems. The current water supply plan for the UEC Planning Region, which includes all of St. Lucie and Martin counties and the NE portion of Okeechobee County, was approved in March 2011. The development of the 5-year update is nearing completion. The Draft 2016 UEC Water Supply Plan Update was

released for public review in late November, and is currently scheduled for Governing Board consideration of the final plan in March 2016.

30. **Project and Preliminary Budget Presentation Fiscal Years 2015-2016 & 2016-2017 – Doug Bergstrom, Division Director, Administrative Services (ext. 6214)**

Staff has undertaken a careful review of the FY2015/16 adopted reserve spend down plan. After considerable review and discussion, staff recommends the amendments in the table on page 2 of this memo for reserves without restrictions that would free up \$27.1 million for future discussion and allocation.

With a focus on using reserves for projects, in the November budget workshop staff recommended the following considerations for utilizing reserves:

- Maintain hurricane/emergency reserves to ensure emergency response resources
- Allocate reserves to current ready to go project needs, including operating costs, over the next several years:
 - Restoration Strategies consent order driven projects
 - Currently ongoing restoration projects such as C44, C43, Lakeside, Picayune
 - Current Federal cost share projects-Kissimmee and C-111 South Dade projects

Additionally, staff is working with DEP on modifications to cost eligibility criteria for use of state funds that could result in additional savings of several million dollars.

We propose to agenda an item at a future Governing Board meeting to discuss Board priorities for allocation of these funds.

31. **Resolution No. 2015 - 1213** Authorize a final purchase offer of \$2,761,000 and eminent domain proceedings for the acquisition of certain land interests, consisting of 690.25 acres, more or less, in Osceola County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project for which dedicated (Land Acquisition Trust Fund) funds are budgeted. (Real Estate staff contact, Ray Palmer, ext. 2246)

Summary:

Tract No. 18200-010, owned by Bronsons, LLP, a Florida limited liability partnership, comprises a total of 690.25 acres located within the District's Kissimmee River Restoration and Headwaters Revitalization Project. The appraised value of the Tract is \$2,761,000. District staff is requesting authority to make a written offer at the appraised value of \$2,761,000. If the landowner fails to accept, approval of the Governing Board item will also grant authority to file an eminent domain action.

32. **Resolution No. 2015 - 1214** Authorize the official ranking of short-listed firms and entering into a Contract with Emerson Process Management Power & Water Solutions, Inc., subject to successful negotiations, for the purchase, implementation, and maintenance of Supervisory Control and Data Acquisition (SCADA) Software, in an amount not to exceed \$5 million, for which \$1.5 million in funds are budgeted in FY16 and the remainder subject to Governing Board approval of the FY17 - FY25 budgets; providing that, if negotiations are unsuccessful with Emerson Process Management Power & Water Solutions, Inc., the District will proceed with negotiations in ranked order until a Contract has been successfully negotiated. (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

Summary

The District's core Supervisory Control and Data Acquisition (SCADA) System software, Telvent OASyS DNA 7.4, is no longer supported and must be replaced. Replacement will include new software, modernized control strategies, operator interfaces, and functionality to support the growing demands and requirements of the agency. The selection of the new SCADA System software was based on a two-step process. The first step was a Request for Qualifications (RFQ) for the next generation SCADA System Software that shortlisted respondents. The second step was a Request for Proposals based on the SCADA System Software presented in the shortlisted respondents responses to the RFQ combined with commercial off-the-shelf (COTS) technologies and industry best practices to meet the requirements and performance targets defined by the District. There were two qualified respondents to the RFP: Emerson Process Management Power & Water Solutions (Ranked #1), Inc. and Schneider Electric, USA (Ranked #2).

33. Report on Sea Level Rise with Respect to District Operations - Jeff Kivett, P.E., Director, Operations, Engineering and Construction Division
34. **Resolution No. 2015 - 1215** Authorize entering into a 340-day contract with JMS Construction Services, the lowest responsive and responsible bidder for the C-139 Annex Restoration Phase 1A Site Preparation Project, in the amount of \$1,463,000, for which \$1,463,000 in dedicated funds (Lake Belt Mitigation) are budgeted in FY16; providing an effective date. (Contract number 4600003351) (OEC, Jeff Kivett, ext. 2680)

Summary

The overall goal of the C-139 Annex Restoration Project is to meet the restoration needs for the property while addressing regional restoration/water management goals of the Everglades watershed, and providing mitigation to offset wetland impacts associated with Lake Belt mining activities in Miami-Dade County. The restoration of the C-139 Annex property will be achieved in several phases. The Phase 1A Site Preparation activities is the first phase of the C-139 Annex Restoration. The C-139 Annex restoration project is located in Hendry County and encompasses the southern 14,437 acres of the site. The Phase 1A portion of the project is approximately 2,875 acres, located at the southeastern end of the property. The project will consist of the following: leveling and cross disking of the planting/tree beds, swales and ditches; construction of test area to evaluate leveling methods; removal and replacement of an existing 60" corrugated metal pipe (CMP) culvert and riser; removal and disposal of approximately 246 of the 18-inch diameter corrugated aluminum pipe (CAP) culverts and 247 of the 8-inch diameter Advanced Drainage System (ADS) culverts; and abandonment of 15 irrigation wells, as well as the demolition and removal of

associated concrete pads, including the removal of associated piping.

35. Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution, Dr. Brian LaPointe, Research Professor, Florida Atlantic University – Harbor Branch Oceanographic Institute - **ITEM DELETED**
36. General Public Comment

Staff Reports

37. Monthly Financial Report - Doug Bergstrom
38. General Counsel's Report - Kirk Burns
39. Executive Director's Report - Peter Antonacci - **ITEM REVISED**

Resolution No. 2015-1216

40. Board Comment
41. Adjourn

Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board during public comment on the consent agenda. Governing Board policy limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chair, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday